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Permit No.: ST-9238
Issuance Date: July 30, 2004
Effective Date: September 1, 2004
Expiration Date: August 31, 2009

STATE WASTE DISCHARGE PERMIT NUMBER ST-9238

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
CENTRAL REGIONAL OFFICE

In compliance with the provisions of the
State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington, as amended,
and
the Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.,
Authorizes

**GOLD DIGGER APPLES INC.
DBA GOLD DIGGER CELLARS
PO BOX 2550
OROVILLE, WA 98844**

to discharge wastewater in accordance with the special and general conditions which follow.

<u>Facility Address:</u> 1010 Appleway St. Oroville, WA 98844	<u>Discharge Location</u> Latitude: 48° 56' 18" N Longitude: 119° 26' 19" W
<u>Publicly Owned Treatment Works (POTW) Receiving Discharge:</u> City of Oroville	
<u>Industry Type:</u> Winery	<u>SIC Code:</u> 2084

G. Thomas Tebb, L.E.G.
Section Manager
Water Quality Program
Central Regional Office
Washington State Department of Ecology

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions sections of this permit for unscheduled submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S1.	Approved MOU to be incorporated into Appendix A of the O&M Manual	1/permit cycle	October 1, 2004
S1.	Update Appendix A of O & M Manual	As needed	--
S3.A.	Discharge Monitoring Reports	Submitted Twice a year	January 15, 2005 and October 15, 2005
S4.A.	Operation and Maintenance Manual	1/permit cycle	March 1, 2005
S7.C.	Solid Waste Control Plan	1/permit cycle	March 1, 2005
S8.	Spill and Slug Discharge Prevention and Control Plan	1/permit cycle	March 1, 2005
G7.	Application for Permit Renewal	1/permit cycle	August 31, 2008 ^a

^a At least one (1) year prior to permit expiration

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on **September 1, 2004** and lasting through **August 31, 2009**, the Permittee is authorized to discharge wastewater to the City of Oroville wastewater treatment plant subject to the following limitations:

The discharge from this facility is subject to limitations established by an MOU, Memorandum of Understanding, negotiated between the facility and the City of Oroville. This MOU is on file at the Department. The effluent limitations in the MOU constitute the enforceable limits of this permit. The existing MOU shall constitute Appendix A of the O&M Manual (see S4.A), which shall be received at the Department no later than **October 1, 2004**.

This permit anticipates that the facility and the City of Oroville will renegotiate the MOU during the course of this permit, as more information is generated on the variability of the discharge and the City's treatment capacity. Upon establishment of a new MOU, the facility shall submit the MOU to the Department for approval. Upon approval, the MOU shall be incorporated into the O&M manual as an amendment to Appendix A and the limitations established in the new MOU shall become the enforceable limits of this permit.

Additionally, pH shall remain within the range 5 to 11 at all times.

S2. MONITORING REQUIREMENTS

A. Wastewater Monitoring

The Permittee shall monitor the wastewater according to the following schedule:

1. October through December (Crush Season)

Parameter	Units	Sample Point	Sampling Frequency	Sample Type
Flow	MGD ^a	Metered city water	Report monthly total	Continuous
BOD	mg/L	Outfall of settling chamber	Twice month	Grab
BOD	lbs/day	Not Applicable	Twice month	Calculation ^b
pH	Standard Units	Outfall of settling chamber	Twice month	Grab

a- MGD means Million Gallons per Day.

b- Calculated by multiplying concentration (mg/l) X flow (in millions of gallons per day) X 8.34 (conversion factor).

2. January through September (Bottling and Maintenance)

Parameter	Units	Sampling Point	Frequency	Sample Type
Flow	MGD	Metered city water	Report monthly total	Continuous
BOD	mg/L	Outfall of settling chamber	Twice in 9 months	Grab
BOD	lbs/day	Not Applicable	Twice in 9 months	Calculation ^a
pH	S.U.	Outfall of settling chamber	Twice month	Grab

a- Calculated by multiplying concentration (mg/l) X flow (in millions of gallons per day) X 8.34 (conversion factor).

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

C. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations. Calibration shall also be performed if flow measurements inconsistent with expected flow volumes are encountered, or if the receiving POTW questions the reported flow. Calibration records shall be maintained for at least three years.

D. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement, except that conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited.

E. Request for Reduction in Monitoring

The Permittee may request the Department of Ecology (Department) review the data to determine whether a reduction of the sampling frequency is warranted after twelve (12) months of monitoring. The request shall: (1) be in written form, (2) clearly state the parameters for which the reduction in monitoring is being requested, and (3) clearly state the justification for the reduction. Any request for reduction in monitoring shall be granted at the Department's discretion and accomplished through an Administrative Order or permit modification.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on **September 1, 2004**. Monitoring results shall be submitted twice yearly.

1. Data obtained during the three month crush season shall be summarized and reported on a form provided, or otherwise approved, by the Department, and be received no later than **January 15, 2005**.
2. Data obtained during the bottling and maintenance season shall be summarized and reported on a form provided, or otherwise approved, by the Department, and be received no later than **October 15, 2005**.

The report(s) shall be sent to:

Water Quality Permit Data Coordinator
Department of Ecology
Central Regional Office
15 West Yakima Avenue, Suite 200
Yakima, WA 98902

Discharge Monitoring Report forms must be submitted whether or not the facility was discharging. If there was no discharge, or the facility was not operating during the reporting period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of this monitoring shall be included in calculation and reporting of the data submitted in the Permittee's self-monitoring reports.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the permit terms and conditions due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, and correct the problem;
2. Repeat sampling and analysis of any violation and submit the results to the Department within 30 days after becoming aware of the violation;
3. Immediately notify the Department and the local sewage treatment plant manager of the failure to comply; and
4. Submit a detailed written report to the Department within thirty days (5 days for upsets and bypasses), unless requested earlier by the Department. The report should describe the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

F. Spill Notification

The Permittee shall notify the POTW immediately (as soon as discovered) of all discharges that could cause problems to the POTW, such as process spills and unauthorized discharges (including slug discharges).

S4. OPERATION AND MAINTENANCE

The Permittee shall at all times be responsible for the proper operation and maintenance of any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit.

A. Operations and Maintenance Manual

An Operations and Maintenance (O&M) Manual shall be prepared by the Permittee in accordance with WAC 173-240-150 and be submitted to the Department for approval by **March 1, 2005**.

The approved O & M Manual shall be kept available at the permitted facility and all operators shall follow the instructions and procedures of this Manual.

The O&M Manual shall include:

1. Emergency procedures for plant shutdown and cleanup.
2. Plant maintenance procedures;
3. O & M of the pretreatment systems;
4. Sampling Procedures;
5. In the event Apple Digger Cellars and the Town of Oroville renegotiate the existing MOU, the new contract upon Department approval shall be placed in Appendix A of the O & M Manual, which will then become the enforceable limits of the permit.

The approved Operations and Maintenance Manual shall be kept available at the permitted facility and all operators are responsible for being familiar with, and using, this Manual.

S5. PROHIBITED DISCHARGES

A. General Prohibitions

The Permittee shall not introduce into the POTW, pollutant(s) that cause Pass Through or Interference.

B. Specific Prohibitions

In addition, the following shall not be introduced into the POTW:

1. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 60°C (140°F) using the test methods specified in 40 CFR 261.21;
2. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;
3. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;
4. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40° C (104° F) unless the approval authority, upon request of the POTW, approves alternative temperature limits;
5. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
6. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
7. Any trucked or hauled pollutants, except at discharge points designated by the POTW; or
8. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0 or greater than 11.0, unless the works is specifically designed to accommodate such discharges.

C. Prohibited Unless Approved

Unless specifically authorized in this permit, the discharge of dangerous wastes as defined in Chapter 173-303 WAC, is prohibited.

S6. DILUTION PROHIBITED

The Permittee shall not dilute the wastewater discharge with stormwater or increase the use of potable water, process water, noncontact cooling water, or, in any way, attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

S7. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground water, surface water or a POTW in compliance with solid waste regulations.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment (AKART), nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

C. Solid Waste Control Plan

The Permittee shall submit a Solid Waste Control Plan to the Department no later than **March 1, 2005**. This Plan shall include all solid wastes with the exception of those solid wastes regulated by Chapter 173-303 WAC (Dangerous Waste Regulations). The Plan shall include at a minimum a description, source, generation rate, and disposal methods of these solid wastes.

S8. SPILL AND SLUG DISCHARGE PREVENTION AND CONTROL PLAN

On or before **March 1, 2005**, the Permittee shall submit to the Department and the City of Oroville a Spill and Slug Discharge Prevention control plan for the prevention, containment, and control of spills or unplanned releases. The Plan shall describe slug and spill discharge procedures, to include persons and telephone numbers to contact in the event of a spill or slug discharge. The plan and any subsequent revisions shall become effective 30 days following submission. The Permittee shall review the plan at least annually and update the Spill and Slug Discharge Plan as needed. Changes to the plan shall be sent to the Department. The plan and any supplements shall be followed throughout the term of the permit.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed as follows:

- A. All permit applications shall be signed by either a principal executive officer or ranking elected official.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by the person described above and is submitted to the Department at the time of authorization, and
 - 2. The authorization specifies either a named individual or any individual occupying a named position.
- C. Changes to authorization. If an authorization under paragraph B.2. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

G2. RIGHT OF ENTRY

Representatives of the Department shall have the right to enter at all reasonable times in or upon any property, public or private, for the purpose of inspecting and investigating conditions relating to the pollution or the possible pollution of any waters of the state.

Reasonable times shall include normal business hours; hours during which production, treatment, or discharge occurs; or times when the Department suspects a violation requiring immediate inspection. Representatives of the Department shall be allowed to have access to, and copy at reasonable cost, any records required to be kept under terms and conditions of the permit; to inspect any monitoring equipment or method required in the permit; and to sample the discharge, waste treatment processes, or internal waste streams.

G3. PERMIT ACTIONS

This permit shall be subject to modification, suspension, or termination, in whole or in part by the Department for any of the following causes:

- A. Violation of any permit term or condition;
- B. Obtaining a permit by misrepresentation or failure to disclose all relevant facts;
- C. A material change in quantity or type of waste disposal;
- D. A material change in the condition of the waters of the state; or
- E. Nonpayment of fees assessed pursuant to RCW 90.48.465.

The Department may also modify this permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

G4. REPORTING A CAUSE FOR MODIFICATION

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports, whenever a new or increased discharge or change in the nature of the discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least 60 days prior to any proposed changes. Submission of this application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications should be submitted at least 180 days prior to the planned start of construction. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in the permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee must apply for permit renewal at least one (1) year prior to the specified expiration date of this permit.

G8. PERMIT TRANSFER

This permit is automatically transferred to a new owner or operator if:

- A. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the Department;
- B. A copy of the permit is provided to the new owner and the receiving POTW is notified and;
- C. The Department does not notify the Permittee of the need to modify the permit.

Unless this permit is automatically transferred according to section A. above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by the Department.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee shall control production or discharge to the extent necessary to maintain compliance with the terms and conditions of this permit upon reduction of efficiency, loss, or failure of its treatment facility until the treatment capacity is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power for the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the effluent stream for discharge.

G11. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department. The Department may revoke this permit if the permit fees established under Chapter 173-224 WAC are not paid.

G12. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation.